



City of Seattle

Department of Planning and Development
Diane M. Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR OF
THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

Project Number: 3012241
Applicant Name: Runberg Architecture Group PLLC for IS Property Investments
Address of Proposal: 1020 NE 63rd

SUMMARY OF PROPOSED ACTION

Land Use Application to allow a 6-story structure containing 108 apartment units, 4 live/work units, and 70 parking stalls located inside the building. Existing structures to be demolished and all trees on site to be removed.

The following approvals are required:

Design Review - pursuant to Seattle Municipal Code (SMC) Chapter [23.41](#), involving departures from development standards.

SMC 23.47A.008.B.3, depth of non-residential area

SEPA - Environmental Determination – SMC Chapter [25.05](#).

SEPA DETERMINATION: ☐ Exempt ☐ DNS ☐ MDNS ☐ EIS
☒ DNS with conditions¹
☐ DNS involving non-exempt grading, or demolition or
involving another agency with jurisdiction.

Notice of Application and Comment Period

Public notice of the Design Review meeting was given on August 29, 2011 and the Public Meeting was held on September 12, 2011. Public notice of the Land Use Application was given on November 10, 2011 and the public comment period ended on November 23, 2011. Public notice of the second Design Review meeting (for a recommendation) was given on January 23, 2012, and the Public Meeting was held on February 6, 2012. The Land Use Application file is available at the Public Resource Center located at 700 Fifth Ave, Suite 2000.

BACKGROUND DATA

Project Description

The applicant proposes to construct a 6-story (approximately 65 foot high) mixed-use development consisting of approximately 108 residential units, 4 live/work units, and structured parking for 70 vehicles. Existing buildings will be demolished.

Vicinity Information

The site is located on NE 63rd Street between Roosevelt Way NE and 12th Avenue NE. The site and vicinity slopes slightly to the south and east. The site is currently occupied by three single-family structures. The site is surrounded by a 16' wide alley on the north, a 10' wide alley on the east, and a 10' wide alley on the west. A 5' dedication for the west alley, a 5' setback for the east alley, and a 2' setback for the north alley are proposed as part of this project.

On NE 63rd, there are existing curbs that are expected to be maintained and repaired. However, in order to accommodate full sidewalk improvements, a 2 ft sidewalk easement is required along the south side of the property.

The site is zoned NC3 with a 65' base height limit. The site is located in the Roosevelt Urban Village. Properties to the north, south, and west of the site are also zoned NC3-65'. The property to the east was included in the Roosevelt Legislative Rezone (Ordinance #123816) and at this time is now zoned NC2-40'.

Because most of the sites in the vicinity do not reach full zoning potential, the area could experience substantial redevelopment in the future. The site is within the "Commercial Core" of the Roosevelt Urban Village, yet located at a transitional edge, changing from commercial on the west to low-rise residential on the east. Townhouses have been constructed fairly recently to the east. A Whole Foods Grocery store is located one block due north and the site immediately north is used as a surface parking lot for the grocery store. To the west, single-story commercial buildings face Roosevelt Way NE, which is an arterial. Roosevelt Way NE and 12th Ave NE are also principal routes for bicyclists. The site is within close proximity to the future Roosevelt Light Rail Transit Station that is to be constructed north of NE 65th Street and 12th Ave NE.

DESIGN PRESENTATION (at Early Design Guidance)

Three design alternatives were presented at the Early Design Guidance (EDG) meeting. All of the options include similar arrangements of units, lobby space and vehicular entry point.

The **first alternative (Option "A")** showed a balanced modulation pattern, reading consistently on all sides with modulation at intervals of approximately 40 feet.

The **second alternative (Option "B")** showed a building design more highly articulated on NE63rd Street with a complex composition of 1'-9" setbacks.

The **third alternative (Option "C")** showed a facade with an asymmetrical front facade stepping to a larger expressed element towards the more intensive zoning to the west.

The applicant also presented a diagram illustrating that it would not possible to meet the development objectives of the site and maintain the exceptional trees due to the amount of buildable land that would be lost.

Board Comments (at Early design Guidance)

The Board's questions and clarifying comments are included in the Design Review Analysis below.

Public Comments — the following comments were offered:

Several members of the public attended the Early Design Guidance meeting ...

- Jim O'Halloran, Chair of the Roosevelt Neighborhood Association (Land Use Committee) appreciates the developer reaching out to the community and promoting density in the neighborhood.
- Would like an opportunity to develop the Roosevelt Design Guidelines in line with the City of Seattle Design Guidelines proposed in 2010 (not yet adopted).
- Would like to encourage the project to develop the ground floor in a way that is future-proof for anticipated commercial development.
- The pedestrian experience is very important to the neighborhood.
- Support the idea of a welcoming alley. Hopes the project will consider ample security lighting.
- Supports the idea the garage entrance would be from a back alley.
- Discourages balconies facing the residential properties to the east due to privacy concerns.
- Support Option C of the three massing schemes.

A few members of the public attended the Recommendation meeting...

- Very supportive of the landscaping and lighting shown for the east alley
- Supportive of live/work spaces
- Would like more fenestration in the east- and west-facing facades.

The SEPA public comment period ran from November 10, 2011 to November 23, 2011. One written comment was received indicating a concern that insufficient parking spaces were being proposed for the number of units.

ANALYSIS - DESIGN REVIEW

At the Early Design Guidance meeting held on September 12, 2011 and the Recommendation Meeting held on February 6, 2012, and after visiting the site, considering the analysis of the site and context provided by the proponents, the Design Review Board members provided the following siting and design guidance and identified by letter and number those siting and design guidelines found in the City of Seattle's "*Design Review: Guidelines for Multi-family and Commercial Buildings*" and "*Roosevelt Neighborhood Design Guidelines*" of highest priority to this project:

A. Site Planning

- A-1 Responding to Site Characteristics** The siting of buildings should respond to specific site conditions and opportunities such as non-rectangular lots, location on prominent intersections, unusual topography, significant vegetation and views or other natural features.

Roosevelt-specific supplemental guidance:

Solar orientation – minimizing shadow impacts along Roosevelt Way and NE 65th is especially important in the Roosevelt Neighborhood. The design of a structure and its massing on the site can enhance solar exposure for the project and minimize shadow impacts onto adjacent public areas between March 21st and September 21st.

At the EDG Meeting, the Board discussed how the site, with public right-of-way on all four sides, dictates the building will have no back side, with each facade presenting an important face.

At the Recommendation Meeting, the Board acknowledged the design proposal successfully treated each facade similarly in terms of quality of materials, fenestration, and architectural expression, and thus avoided presenting a “back” to any direction.

A-2 Streetscape Compatibility The siting of buildings should acknowledge and reinforce the existing desirable spatial characteristics of the right-of-way.

Roosevelt-specific supplemental guidance:

Commercial and Mixed-use developments: Continuity of the street wall along sidewalks – where building setbacks vary along the street due to required street dedications, new developments are encouraged to introduce elements that can help preserve the continuity of adjacent street-facing building walls, especially with the Core Commercial Area. Any element within the public right-of-way such as awnings, planters, etc. will require SDOT approval.

At the EDG Meeting, the Board discussed how the context of the site and how there is a change from commercial character on the west to multi-family residential on the east. The Board indicated it is not inclined to lower the 13' floor-to-floor height requirement for the first floor as the context along the street frontage is appropriately commercial/retail. The leasing office and some amenity space was thought by the Board to be appropriate for a portion of the NE 63rd Street frontage.

At the Recommendation Meeting, the Board recommended that the front edge of the live/work spaces be brought to meet the sidewalk as much as possible (acknowledging the required sidewalk setback and also setback from below-grade vault). The Board recommended that the intervening planters between the live/work front porches and the public sidewalk be deleted for a more urban edge.

A-4 Human Activity New development should be sited and designed to encourage human activity on the street.

Roosevelt-specific supplemental guidance:

Roosevelt is looking for opportunities to encourage pedestrian activity along sidewalks with the Commercial Core. This is especially important because sidewalks along Roosevelt and 65th are considered too narrow. If not required with new development, applicants are encouraged to increase the ground level setback in order to accommodate pedestrian traffic and amenity features.

At the EDG Meeting, the Board discussed the importance of a commercial character to the street frontage. It indicated that the live/work units should be designed to be clearly commercial in

character and that the overhang of building above the street seemed counter to this goal. The Board indicated that it thought a strong urban street edge needs to be established.

At the Recommendation Meeting, the Board acknowledged the necessity of the sidewalk setback due to the existing narrow sidewalk but recommended that the front edge of the live/work spaces provide a consistent setback rather than one that stepped. The deeper setback at the residential lobby could be maintained however, as it expressed a residential lobby function versus the more commercial spaces on either side. The Board recommended that the intervening planters between the live/work front porches and the public sidewalk be deleted for a more urban edge.

A-5 Respect for Adjacent Sites Buildings should respect adjacent properties by being located on their sites to minimize disruption of the privacy and outdoor activities of residents in adjacent buildings.

At the EDG Meeting, the Board discussed the proposals in relation to adjacent sites, indicating that Option C seems to best address those sites and that there should not be any balconies facing the residential structures to the east.

At the Recommendation Meeting, the Board acknowledged that the proposed design successfully provided a transition from the higher, more intensive zone to the west and the lower zone to the east.

A-6 Transition Between Residence and Street For residential projects, the space between the building and the sidewalk should provide security and privacy for residents and encourage social interaction among residents and neighbors.

Roosevelt-specific guidance:

1. Encourage the incorporation of separate ground-related entrances and private open spaces between the residence, adjacent properties, and street, especially for multifamily developments west of Roosevelt Way.
2. Ground level landscaping can be used between the structure(s) and sidewalk.

At the EDG Meeting, the Board indicated that the transition from live/work and residential amenity/lobby should be read as commercial. It also stated that the cantilever of the building above should be less than proposed, not necessarily none, but incorporated in a way that allows the building to hold the street edge and encourage pedestrian interaction.

At the Recommendation Meeting, the Board acknowledged that the live/work units appropriately have ground-related entrances and that the entrances should be situated to minimize flooring elevation offsets of the interior spaces to allow for a future commercial use. The Board recommended that the intervening planters between the live/work entrance landings and the public sidewalk be deleted. The Board appreciated the semi-public/semi-private zones established in the design of the live/work spaces, including the use of a “display wall.”

- A-8 Parking and Vehicle Access** Siting should minimize the impact of automobile parking and driveways on the pedestrian environment, adjacent properties, and pedestrian safety.

Roosevelt-specific guidance:

Minimize the number of curb cuts and width of driveways and curb cuts along Roosevelt Way NE and NE 65th Street by locating vehicle access onto alleys and/or side streets when feasible.

Locate surface parking at rear or side of lot. Where feasible, parking areas for properties that lie outside pedestrian overlay zones should be located to the rear of buildings that face Roosevelt Way NE and NE 65th Street.

Encourage creation of multi-purpose parking areas. These areas can provide for parking as well as public open space areas.

At the EDG Meeting, the Board indicated that vehicle entry from the west is appropriate.

At the Recommendation Meeting, the Board also supported the multipurpose use of the east alley that is encouraged by the proposed planting and lighting plan.

B. Height, Bulk and Scale

- B-1 Height, Bulk, and Scale Compatibility.** Projects should be compatible with the scale of development anticipated by the applicable Land Use Policies for the surrounding area and should be sited and designed to provide a sensitive transition to near-by, less intensive zones. Projects on zone edges should be developed in a manner that creates a step in perceived height, bulk, and scale between anticipated development potential of the adjacent zones.

Roosevelt-specific supplemental guidance

Careful siting, building design and massing at the upper levels should be used to achieve a sensitive transition between multifamily and commercial zones as well as mitigating height, bulk and scale impacts. Some of the techniques already identified the Citywide Design Guidelines are preferred in Roosevelt. These techniques include:

1. Increasing building setbacks from the zone edge at ground level;
2. Reducing the bulk of the building's upper floors;
3. Reducing the height of the structure;
4. Use of landscaping or other screening (such as a 5-foot landscape buffer). Departures to development standards are encouraged in Roosevelt in order to create a positive transition along zone edges. If any of the 4 techniques listed above is employed, applicants and Board members are encouraged to consider specific departures to the development standards identified below in addition to those listed in the Citywide Design Guidelines.

At the EDG Meeting, the Board indicated the height, bulk, and scale of the proposal on this site is a concern to be addressed, particularly in terms of a transition from the west to the multifamily area to the east.

At the Recommendation Meeting the Board felt the proposed project provided the appropriate transition to the NC2-40' zone to the east with the upper level setback and change in color. The Board was also supportive of the design of the alley on the east, being less commercial in character and encouraging multi-use with planting and lighting.

C. Architectural Elements and Materials

- C-1 Architectural Context** New buildings proposed for existing neighborhoods with a well defined and desirable character should be compatible with or complement the architectural character and siting pattern of neighboring buildings.

Roosevelt-specific supplemental guidance:

Streetwalls adjacent to sidewalks within the Roosevelt Commercial Core should be designed to incorporate traditional commercial facade components. This can be achieved by using narrow, traditional storefronts defined by vertical elements with multiple pedestrian entrances. This type of articulation is especially important for projects that occupy most or all of a blockface.

The following is encouraged:

1. Articulate the building facade and break down the mass of long facades into units or intervals through architectural design and detailing to reflect Roosevelt's historical building pattern.
2. Consider a variety of traditional methods to break up the mass of large buildings in order to provide for distinctively different architectural treatments at the ground or lower levels.
3. Incorporate design elements, architectural details, or material in the building facade at the street level that are similar to those of adjacent buildings.

At the EDG Meeting, the Board discussed the context in the immediate area and the importance of relation both to commercial facades to the west and multifamily structures to the east.

At the Recommendation Meeting the Board felt the proposed materials were appropriate for the neighborhood.

- C-2 Architectural Concept and Consistency** Building design elements, details, and massing should create a well-proportioned and unified building form and exhibit an overall architectural concept. Buildings should exhibit form and features identifying the functions within the building. In general, the roofline or top of the structure should be clearly distinguished from its facade walls.

Roosevelt-specific supplemental guidance:

The architectural features below are especially important for new commercial and mixed-use developments in Roosevelt's commercial core: multiple building entries, courtyards, building base, attractively-designed alley-facing building facades including architectural treatments, fenestration, murals, etc.

At the EDG Meeting, the Board indicated the building does not need to as formal and symmetrical as in the applicant's preferred scheme. Instead it felt the use of variety in expression should be used to deal with adjacent zone transitions.

At the Recommendation Meeting the Board felt the proposed design presented a unified and coherent building that consistently addressed all four sides, while also successfully providing the transition to the zone to the east with the upper level setback and judicious use of color.

C-3 Human Scale The design of new buildings should incorporate architectural features, elements, and details to achieve a good human scale.

At the EDG Meeting, the Board discussed that elements of human scale were important. Both the architecture and the landscaping need to be designed and detailed to add positively to the pedestrian space. The Board asked that many details of the human context be shown at the next meeting, particularly at the street edge.

At the Recommendation Meeting the Board felt the proposed design appropriately incorporated features such as lighting, planters, signage, and greenscreens to achieve a good human scale.

C-4 Exterior Finish Materials Building exteriors should be constructed of durable and maintainable materials that are attractive even when viewed up close. Materials that have texture, pattern, or lend themselves to a high quality of detailing are encouraged.

Roosevelt-specific supplemental guidance:

Signs: Developments should accommodate places for signage that are in keeping with the building's architecture and overall sign program. Preferred sign types include:

1. Small signs incorporated into the building's architecture, along a sign band, on awnings or marquees, located in windows, or hung perpendicular to the building facade are preferred within the Commercial Core Area.
2. Neon signs are also encouraged, while large illuminated box signs are discouraged.
3. Blade signs hung from beneath awnings or marquees are especially favored in the Commercial Core Area.

Large box signs, large-scale super graphics, and back-lit awnings or canopies are less desirable, especially within the Commercial Core. Where awnings are illuminated, the light source should be screened to minimize glare impacts to pedestrians and vehicles.

At the EDG Meeting, the Board stated that materials and colors would be important and should be shown at the next meeting. It said that the alley frontages should also not be forgotten in this regard. The Board stated that the nearby metal building on Roosevelt Avenue is a bad example of execution of this Design Guideline..

At the Recommendation Meeting the Board supported the proposed material palette, noting the low maintenance and durable quality of the proposed materials.

D. Pedestrian Environment

- D-1 Pedestrian Open Spaces and Entrances** Convenient and attractive access to the building's entry should be provided. To ensure comfort and security, paths and entry areas should be sufficiently lighted and entry areas should be protected from the weather. Opportunities for creating lively, pedestrian-oriented open space should be considered.

Roosevelt-specific supplemental guidance:

Pedestrian amenities are encouraged where appropriate along sidewalks within the Core Commercial Area. Providing for sufficient pedestrian movement is necessary in order to provide pedestrian amenities. One way to accomplish this is by extending curbs to create opportunities for outdoor cafes and/or vending areas. Amenities could also be placed within small and larger setbacks along commercial streets. Curb extensions and any amenity feature proposed within the public right-of-way should be explored with SEATRAN (Seattle Transportation) very early in the design process.

At the Early Design Guidance Meeting, the Board indicated they support both the downplaying of the auto in the east alley and the inclusion of landscape elements in the alley right-of-ways.

At the Recommendation Meeting the Board indicated it was pleased with the design of the east alley and the inclusion of landscaped setbacks.

- D-2 Blank Walls** Buildings should avoid large blank walls facing the street, especially near sidewalks. Where blank walls are unavoidable they should receive design treatment to increase pedestrian comfort and interest.

At the Early Design Guidance Meeting, the Board indicated that blank walls should be avoided to the greatest extent possible and the treatment of any that do exist should increase their visual interest.

At the Recommendation Meeting the Board indicated it was satisfied with the design of the landscaping, both with at-grade planters and vertical greenscreens, to mitigate the impact of blank walls at the parking structure and to provide visual interest.

- D-5 Visual Impacts of Parking Structures** The visibility of all at-grade parking structures or accessory parking garages should be minimized. The parking portion of a structure should be architecturally compatible with the rest of the structure and streetscape. Open parking spaces and carports should be screened from the street and adjacent properties.

At the Early Design Guidance Meeting, the Board discussed these issues. It stated that ventilation opening, implementation of green screens and safety along the parking garage are important. It asked the location and details of ventilation features be shown at the next meeting.

At the Recommendation Meeting the Board indicated it was satisfied with the design of the landscaping, both with at-grade planters and vertical greenscreens, to mitigate the impact of blank walls at the parking structure and to provide visual interest.

D-6 Screening of Dumpsters, Utilities and Service Areas Building sites should locate service elements like trash dumpsters, loading docks, and mechanical equipment away from the street front where possible. When elements such as dumpsters, utility meters, mechanical units and service areas cannot be located away from the street front, they should be situated and screened from view and should not be located in the pedestrian right-of-way.

At the Recommendation Meeting the Board indicated it was satisfied that these services areas were appropriately located.

D-7 Personal Safety and Security Project design should consider opportunities for enhancing personal safety and security in the environment under review.

At the Early Design Guidance Meeting, the Board discussed this issue and stated the east in particular, but all four building faces, need to be designed to provide personal safety and security.

At the Recommendation Meeting the Board indicated it was satisfied this guideline was met with the lighting shown and windows from the live/work spaces towards the alley.

D-8 Treatment of Alleys Design of alley entrances should enhance the pedestrian street front.

At the Early Design Guidance Meeting, the Board discussed the treatment of the alleys indicating it favors the modified form proposed for the east alley.

At the Recommendation Meeting the Board indicated it was pleased with the development of the east alley, with the strong landscaped setback area and pedestrian scaled lighting. The other alley entrance was found to appropriately reflect it expected, predominantly vehicular function.

D-10 Commercial Lighting Appropriate levels of lighting should be provided in order to promote visual interest and a sense of security for people in commercial districts during evening hours. Lighting may be provided by incorporation into the building façade, the underside of overhead weather protection, on and around street furniture, in merchandising display windows, in landscaped areas, and/or on signage.

At the Early Design Guidance Meeting, the Board discussed the treatment of the alleys indicating it favors the modified form proposed for the east alley.

At the Recommendation Meeting the Board indicated it was satisfied with the lighting plan and details shown.

D-11 Commercial Transparency Commercial storefronts should be transparent, allowing for a direct visual connection between pedestrians on the sidewalk and the activities occurring on the interior of a building. Blank walls should be avoided.

At the Recommendation Meeting the Board indicated that the commercial vinyl storefront proposed for the live/work areas provided an appropriate level of transparency.

D-12 Residential Entries and Transitions For residential projects in commercial zones, the space between the residential entry and the sidewalk should provide security and privacy for residents and a visually interesting street front for pedestrians. Residential buildings should enhance the character of the streetscape with small gardens, stoops and other elements that work to create a transition between the public sidewalk and private entry.

At the Recommendation Meeting the Board recommended that the recess at the residential lobby was appropriate to distinguish it from the adjacent live/work areas.

E. Landscaping

E-1 Landscaping to Address Design Continuity with Adjacent Sites Where possible, and where there is not another overriding concern, landscaping should reinforce the character of neighboring properties and abutting streetscape.

At the Early Design Guidance Meeting, the Board indicated this guideline is important particularly in how the building relates to surrounding properties.

At the Recommendation Meeting the Board felt the landscaping, particularly of the east alley, appropriate related to the continuity of adjacent sites. The Board recommended that the planters proposed between the live/work entrances and the public sidewalk be deleted for a stronger continuity with a future urban edge that is expected.

E-2 Landscaping to Enhance the Building and/or Site Landscaping, including living plant material, special pavements, trellises, screen walls, planters, site furniture, and similar features should be appropriately incorporated into the design to enhance the project.

At the Early Design Guidance Meeting, the Board discussed the importance of street trees to the proposal and asked that they be shown in number and location at the next meeting.

At the Recommendation Meeting the Board indicated the landscaping was appropriate (with the exception of recommending that the planters between the live/work entrances and the public sidewalk be deleted, as noted elsewhere).

E-3 Landscape Design to Address Special Site Conditions. The landscape design should take advantage of special on-site conditions such as steep slopes.

At the Early Design Guidance Meeting, the Board discussed the three building sides facing alleys and the notable, positive, usefulness of landscape at the building base in these areas.

At the Recommendation Meeting, the Board indicated that the landscaping appropriately addressed the three different alley conditions, as well as appropriately addressed street trees.

DEPARTURES

DEVELOPMENT STANDARD REQUIREMENT	REQUEST/ PROPOSAL	JUSTIFICATION	ACTION
SMC 23.47A.008 B.3. Depth of non-residential space: average 30 ft required; minimum 15 ft.	The applicant is requesting that one limited area (approximately 8 ft of frontage) be permitted to have a minimum dimension of 8 ft.	The minimum depth of 8 ft is a result of wrapping the residential lobby (mailbox area) with more commercial frontage. This design solution results in a street-level facade that has overall a more commercial character. At the Recommendation meeting, the proponent supplied diagrams indicating the back wall of this area would be designed to have the potential to be used as a display wall for the live/work use.	Administratively Reviewed and Granted

Other departures were originally identified at the time of MUP application. However, due to the Roosevelt Legislative Rezone, these departures were no longer necessary.

ANALYSIS & DECISION – DESIGN REVIEW

The design review process prescribed in Section 23.41.014.F of the Seattle Municipal Code describing the content of the DPD Director’s decision reads in part as follows:

The Director’s decision shall consider the recommendation of the Design Review Board, provided that, if four (4) members of the Design Review Board are in agreement in their recommendation to the Director, the Director shall issue a decision which incorporates the full substance of the recommendation of the Design Review Board, unless the Director concludes the Design Review Board:

- a. Reflects inconsistent application of the design review guidelines; or*
- b. Exceeds the authority of the Design Review Board; or*
- c. Conflicts with SEPA conditions or other regulatory requirements applicable to the site; or*
- d. Conflicts with the requirements of state or federal law.*

Subject to the above-proposed conditions, the design of the proposed project was found by the Director of DPD to adequately conform to the applicable Design Guidelines.

Three members of the Northeast Design Review Board were in attendance and provided recommendations (listed above) to the Director and identified elements of the Design Guidelines which are critical to the project’s overall success. The Director must provide additional analysis of the Board’s recommendations and then accept, deny or revise the Board’s recommendations (SMC 23.41.014.F3). The Director agrees with and accepts the conditions recommended by the Board that further augment the selected Guidelines.

Following the Recommendation meeting, DPD staff worked with the applicant to update the submitted plans to include all of the recommendations of the Design Review Board. The Director

of DPD has reviewed the recommendations and decision of the Design Review Board made by the members present at the meeting and finds that they are consistent with the City of Seattle Design Review Guidelines for Multi-family and Commercial Buildings. The Director agrees with the Design Review Board's conclusion that the proposed project and conditions imposed result in a design that best meets the intent of the Design Review Guidelines and accepts the recommendations noted by the Board. The Director is satisfied that all of the conditions imposed by the Design Review Board have been met.

Director's Decision

The design review process is prescribed in Section 23.41.014 of the Seattle Municipal Code. Subject to the above-proposed conditions, the design of the proposed project was found by the Design Review Board to adequately conform to the applicable Design Guidelines. The Director of DPD has reviewed the recommendations and decision of the Design Review Board made by the members present at the decision meeting, provided additional review and finds that they are consistent with the City of Seattle Design Review Guidelines for Multi-family and Commercial Buildings. The Design Review Board agreed that the proposed design, along with the conditions listed, meets each of the Design Guideline Priorities as identified. Therefore, the Director accepts the Design Review Board's recommendations and **CONDITIONALLY APPROVES** the proposed design and requested development Standard Departure with the conditions listed at the end of this Decision.

ANAYSIS—SEPA

Environmental review resulting in a Threshold Determination is required pursuant to the Seattle State Environmental Policy Act (SEPA), WAC 197-11, and the Seattle SEPA Ordinance (Seattle Municipal Code Chapter 25.05) because the proposed project is located in a commercial zone and exceeds four dwelling units.

The applicant provided the initial disclosure of this development's potential impacts in an environmental checklist dated October 20, 2011 and annotated by the Land Use Planner. The Department of Planning and Development has analyzed the environmental checklist submitted by the project applicant, reviewed the project plans, considered pertinent public comment; and forms the basis of this analysis and decision based on its experience as lead agency with review of similar projects.

As indicated in this analysis, this action will result in adverse impacts to the environment. However, due to their temporary nature and limited effects, the impacts are not expected to be significant.

The SEPA Overview Policy (SMC [25.05.665 D](#)) clarifies the relationship between codes, policies, and environmental review. Specific policies for each element of the environment, and certain neighborhood plans and other policies explicitly referenced, may serve as the basis for exercising substantive SEPA authority. The Overview Policy states, in part, "*Where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation*" subject to some limitations. Adverse impacts are anticipated from the proposal. Thus, a more detailed discussion of some of the impacts is appropriate and is noted below.

Short -Term Impacts

The following temporary construction-related impacts are expected: temporary soils erosion; decreased air quality due to dust and other suspended air particulates; increased noise from construction operations and equipment; increased traffic and parking demand from construction personnel; tracking of mud onto adjacent streets by construction vehicles; conflict with normal pedestrian movement adjacent to the site; consumption of renewable and nonrenewable resources; and removal of ground water. Due to the temporary nature and limited scope of these impacts, they are not considered significant (SMC Section [25.05.794](#)). Although not significant, these impacts are adverse, and in some cases, mitigation is warranted.

City codes and/or ordinances apply to the proposal and will provide adequate mitigation for some of the identified impacts. Specifically these are: 1) Grading and Drainage Control Ordinance, SMC [22.800](#) (storm water runoff, temporary soil erosion, and site excavation); and 2) Street Use Ordinance (tracking of mud onto public streets, and obstruction of rights-of-way during construction).

Earth

The proponents have submitted preliminary soils analysis for DPD review. DPD anticipates further study and design associated with the grading and construction permits. DPD geotechnical staff indicates that existing Codes provide authority to require appropriate mitigation for this project, and that no specific conditioning is warranted in this regard.

Air Quality

Given the age of the existing structures on site, they may contain asbestos, which could be released into the air during demolition. The [Puget Sound Clean Air Agency](#), the Washington Department of Labor and Industry, and EPA regulations provide for the safe removal and disposal of asbestos. In addition, federal law requires the filing of a demolition permit with PSCAA prior to demolition. Pursuant to SMC Sections [25.05.675 A](#) and [E](#), to mitigate potential adverse air quality and environmental health impacts, project approval will be conditioned upon submission of a copy of the PSCAA “notice of intent to demolish” prior to issuance of a DPD demolition permit. So conditioned, the project’s anticipated adverse air impacts will be adequately mitigated. The Puget Sound Clean Air Agency (PSCAA) regulations require control of fugitive dust to protect air quality. Filing of a Notice of Intent to that agency will alert them of the development proposal and help insure air quality impacts during demolition and construction are controlled. To insure this outcome SEPA Construction Impacts authority will be imposed to require the owner or developer of the proposed project to file a Notice of Intent with the PSCAA prior to beginning any work on the site.

Environmental Health

State law provides for the cleanup and appropriate disposal of hazardous substances. The Model Toxics Control Act (WAC [173-340](#)) is administered by the Washington Department of Ecology (DOE) and establishes processes and standards to identify, investigate, and clean up facilities where hazardous substances have come to be located. DPD alerts the applicant to this law and provides a contact: Joe Hickey, DOE, (425) 649-7202.

Discharge of contaminated groundwater to the sewage system is regulated by the King County Department of Natural Resources under Public Rule [PUT 8-14](#). A [factsheet](#) and permit application is available online or by calling (206) 263-3000.

Disposal of contaminated fill is regulated by the City/County Health Department, contact: Jill Trohimovich, (206) 263-8496.

Existing regulations adequately address potential impacts to environmental health. No further conditioning of site cleanup of hazardous waste treatment is warranted pursuant to SEPA policies.

Greenhouse Gas Emissions

Construction activities including construction worker commutes, truck trips, the operation of construction equipment and machinery, and the manufacture of the construction materials themselves result in increases in carbon dioxide and other greenhouse gas emissions which adversely impact air quality and contribute to climate change and global warming. While these impacts are adverse, they are not expected to be significant.

Street and Sidewalks

The proposed on-site demolition, excavation and construction are controlled by a demolition/building permit. The Street Use Ordinance includes regulations which mitigate dust, mud, and circulation. Any temporary closure of the sidewalk and/or traffic lane(s) is controlled with a street use permit through the Seattle Department of Transportation. It is the City's policy to minimize or prevent adverse traffic impacts which would undermine the stability, safety, and/or character of a neighborhood or surrounding areas (25.05.675 R).

In this case, adequate mitigation is provided by the Street Use Ordinance, which regulates and provides for accommodating pedestrian access. Therefore, additional mitigation under SEPA is not warranted.

Construction Noise

As redevelopment proceeds, noise associated with demolition/construction activities at site could adversely affect the surrounding residential/commercial uses. Due to the proximity of these uses, the limitations of the Noise Ordinance are found to be inadequate to mitigate the potential noise impacts. Pursuant to the SEPA Overview Policy (SMC [25.05.665](#)) and the SEPA Construction Impacts Policy (SMC [25.05.675 B](#)), mitigation is warranted and the following conditioning measures will be imposed.

Prior to the issuance of demolition, grading and building permits, the applicant will submit a construction noise mitigation plan for review and approval by DPD. The plan will include measures to: 1) limit noise decibel levels and noise duration, and 2) procedures for advanced notice of excessively noisy activities to surrounding properties. In addition to compliance with the Noise Ordinance, which requires the project to reduce the noise impact of construction on nearby properties, all construction activities shall be subject to the following, in order to further reduce noise impacts:

- a. Construction activities may take place only during the hours of 7:00 AM and 6:00 PM on non-holiday weekdays.

- b. Quieter construction activities may take place during the hours of 6:00 PM and 8:00 PM on non-holiday weekdays, and on Saturdays during the hours of 9:00 AM and 6:00 PM. —Quieter construction activities|| will be defined in the construction noise plan, to be approved by DPD. Such activities during these hours will be subject to DPD approval and will require advanced notice to surrounding neighbors.
- c. Emergency construction activities (for example, those activities that must take place to coincide with a street closure, utility interruption or other similar necessary event) may take place outside of the approved hours, subject to advanced notice to surrounding neighbors as outlined in the construction noise mitigation plan.

Construction activities outside the above-stated restrictions may be authorized by DPD when necessitated by unforeseen construction, safety, or street-use related situations. Requests for extended construction hours or weekend days must be submitted to the **Noise Abatement Coordinators** (as noted in the conditions) at least three (3) days in advance of the requested dates in order to allow DPD to evaluate the request.

Construction Parking

During construction, parking demand will increase due to additional demand created by construction personnel and equipment. It is the City's policy to minimize temporary adverse impacts associated with construction activities. Construction workers can be expected to arrive in early morning hours and to leave in the mid-afternoon. Surrounding residents generate their peak need for on-street parking in the evening and overnight hours when construction workers can be expected to have departed. SEPA mitigation of parking impacts during construction appears to be unwarranted.

Construction Vehicles

Existing City code (SMC [11.62](#)) requires truck activities to use arterial streets to every extent possible. Traffic impacts resulting from the truck traffic associated with grading will be of short duration and mitigated in part by enforcement of SMC [11.62](#). This immediate area is subject to traffic congestion during the PM peak hours, and large trucks turning onto arterial streets would further exacerbate the flow of traffic. Pursuant to SMC [25.05.675 B](#) (Construction Impacts Policy) and SMC [25.05.675 R](#) (Traffic and Transportation) additional mitigation is warranted.

The construction activities will require the export/import of material from the site and can be expected to generate truck trips to and from the site. In addition, delivery of concrete and other building materials to the site will generate truck trips. As a result of these truck trips, an adverse impact to existing traffic will be introduced to the surrounding street system, which is unmitigated by existing codes and regulations. Assuming contractors use double loaded trucks to export/import grade/file material, with each truck holding approximately 20 cubic yards of material, thus requiring approximately 1,260 truckloads (2,520 trips) to remove the estimated 25,196 cubic yards of excavated material.

For the duration of the grading activity, the applicant(s) and/or responsible party(ies) shall cause truck trips to cease during the hours between 4 PM and 6 PM on weekdays. This condition will assure that truck trips do not interfere with daily PM peak traffic in the vicinity. As conditioned, this impact is sufficiently mitigated in conjunction with enforcement of the provisions of SMC [11.62](#).

City code (SMC [11.74](#)) provides that material hauled in trucks not be spilled during transport. The City requires that a minimum of one foot of “freeboard” (area from level of material to the top of the truck container) be provided in loaded uncovered trucks which minimize the amount of spilled material and dust from the truck bed en route to or from a site. No further conditioning of the grading/excavation element of the project is warranted pursuant to SEPA policies.

Long-Term Impacts

Potential long-term or use impacts anticipated by the proposal include: increased height, bulk and scale of building in some areas of the site; increased light and glare from exterior lighting, increased noise due to increased human activity; increased demand on public services; increased traffic on adjacent streets; increased on-street parking, and increased energy consumption. These long-term impacts are not considered significant because they are minor in scope, but some warrant further discussion (noted below).

The likely long-term impacts are typical of this scale of mixed use development, and DPD expects them to be mitigated by the City’s adopted codes and/or ordinances (together with fulfillment of Seattle Department of Transportation requirements). Specifically these are: the Land Use Code (aesthetic impacts, height, setbacks, parking) the Seattle Energy Code (long-term energy consumption), and the street use ordinance. However, more detailed discussion of some of these impacts is appropriate.

Several adopted City codes and/or ordinances provide mitigation for some of the identified impacts. Specifically these are: the ECA Ordinance, the Stormwater, Grading and Drainage Control Code which requires provisions for controlled tightline release to an approved outlet and may require additional design elements to prevent isolated flooding. Compliance with these applicable codes and ordinances is adequate to achieve sufficient mitigation of most long-term impacts and no further conditioning is warranted by SEPA policies.

Operational activities, primarily vehicular trips associated with the project and the project’s energy consumption, are expected to result in increases in carbon dioxide and other greenhouse gas emissions which adversely impact air quality and contribute to climate change and global warming. While these impacts are adverse, they are not expected to be significant.

Parking

Heffron Transportation prepared a Transportation Impact Analysis report dated October 14, 2011. The analysis was supplemented with additional information in a Technical Memorandum dated January 13, 2012. As described in these analyses, the Institute of Transportation Engineers (ITE) provides data in its Parking Generation reference documenting average parking demand for various uses, including apartments. Heffron Transportation applied the weekday equation for suburban apartments and then adjusted to account for transit and non-motorized trip activity, the planned mix of unit types, as well as anticipated auto-ownership rates. To determine appropriate adjustments for this, auto ownership rates of the renter-occupied housing units surveyed for the *Journey-to-Work* characteristics from the 2000 Census in census tract 44 were reviewed and considered in estimating potential demand. As outlined in the Transportation Impact Analysis report, an overall average auto ownership rate of 0.63 vehicles-per-unit was assumed. This rate was developed to account for the roughly 46% of residents expected drive or carpool each day, plus additional residents that might

store vehicles on site while using transit, bike, walk, or work from home modes. This auto-ownership rate was then applied to the unadjusted peak parking demand equation and resulted in a peak parking demand rate of 0.68 vehicles-per unit and a peak parking demand estimate of 76 vehicles. The supplemental information requested by DPD (and provided in the January 13, 2012 memorandum) estimated a potential range of peak parking demand to reflect possible fluctuating auto-ownership rates. The low end of the auto-ownership range would likely be similar to the mode-of-travel commute patterns described above, and would result in about 0.50 vehicles-per-unit and peak parking demand of 56 vehicles (less than the on-site supply). At the higher end, with auto-ownership at 0.75 vehicles-per-unit, typical peak parking demand could be as high as 84 vehicles (about 14 more than the proposed supply). If auto ownership rates for the building are at the higher end of the range, the overflow parking demand could be accommodated along NE 63rd Street, Roosevelt Way NE, or 12th Avenue NE. Analysis of hourly accumulation of parking demand indicated that peak demand for the project is expected to occur over night between 11 P.M. and 6 A.M. Some overflow parking demand (expected to be about six vehicles) could spill over onto nearby streets, which would be reasonably accommodated by on-street parking in front of the building. The applicant plans several measures to manage and reduce parking demand including the following:

- Pursuing Zipcar access,
- Leasing parking in the building separately from the residential units (As is typical of urban apartments, this tends to control the number of cars that are stored in the building),
- Providing enclosed, secure bicycle parking within the building for residents, and
- Providing a Commuter Information Center that describes transportation options, Zipcar locations, bicycling amenities, and nearby transit routes for current and prospective tenants.

No further SEPA-based conditioning of parking is warranted based on likely project impacts.

Traffic and Transportation

The Transportation Impact Analysis report prepared by Heffron Transportation and referenced above, also evaluated existing traffic conditions in the study area, estimated the traffic to be generated by the project (new trips), and analyzed the effects of these trips in the immediate vicinity of the site.

The study estimated the increase in vehicular trips that would be generated as a result of the proposal. The analysis also accounted for the removal of existing uses and evaluated the potential operational impacts on intersections that would provide access to the site area. The analyses indicated that the project would not result in any adverse impacts to site access or local area traffic operations and the City's transportation concurrency requirements would be met.

Traffic will increase over existing conditions due to the net increase of 39 PM peak hour vehicle trips generated by the site. No SEPA based conditioning of traffic impacts appears warranted.

Height Bulk and Scale

SMC [25.05.675 G2c](#) states, "*The Citywide Design Guidelines (and any Council-approved, neighborhood design guidelines) are intended to mitigate the same adverse height, bulk, and scale impacts addressed in these policies. A project that is approved pursuant to the Design Review*

Process shall be presumed to comply with these Height, Bulk, and Scale policies. This presumption may be rebutted only by clear and convincing evidence that height, bulk and scale impacts documented through environmental review have not been adequately mitigated. Any additional mitigation imposed by the decision maker pursuant to these height, bulk, and scale policies on projects that have undergone Design Review shall comply with design guidelines applicable to the project.”

The site is surrounded by properties that are similarly zoned (Neighborhood Commercial) with a lower height limit of 40 feet to the east. The Design Review Board considered issues of height, bulk and scale in its review of this project. The proposed structure is located on a NC3-65' site, and the structure is designed to conform to its height limit. Further, the upper floor steps back approximately 3' from the southeast corner. Additionally, it provides appropriate fenestration and shifts in finish materials as modulation. No additional height, bulk, or scale SEPA mitigation is warranted pursuant to the SEPA height, bulk and scale policy.

Light and Glare

The checklist discusses the project's likely light and glare effects on the surrounding area. The proposed project exterior design emphasizes a sympathetic arrangement of glazing and materials on the facades. DPD therefore determines that nighttime light impacts are not likely to be substantial and warrant no further mitigation.

Historic and Cultural Preservation

Background information related to existing structures on the site indicate that the existing structure on the site would not likely to qualify as a landmark. Staff at the Department of Neighborhood concurs with this assessment. No mitigation is necessary pursuant to SMC [25.05.675 H](#).

Other Impacts

Several codes adopted by the City will appropriately mitigate the use-related adverse impacts created by the proposal. Specifically these are: Grading and Drainage Control Ordinance (storm water runoff from additional site coverage by impervious surface); Puget Sound Clean Air Agency regulations (increased airborne emissions); and the Seattle Energy Code (energy consumption in the long term).

DECISION - SEPA

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirements of the State Environmental Policy Act (RCW 43.21C), including the requirement to inform the public agency decisions pursuant to SEPA.

- [X] Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW [43.21C.030\(2\)\(C\)](#).

CONDITIONS – SEPA

The following condition(s) to be enforced during demolition/construction shall be posted at the site in a location on the property line that is visible and accessible to the public and to construction personnel from the street right-of-way. If more than one street abuts the site, conditions shall be posted at each street. The conditions will be affixed to placards prepared by DPD. The placards will be issued along with the building permit set of plans. The placards shall be laminated with clear plastic or other waterproofing material and shall remain posted on-site for the duration of the construction.

Prior to Issuance of a Construction Permit:

1. Submit a construction traffic management plan to be reviewed and approved by SDOT and DPD. The plan shall, at a minimum, identify truck access to and from the site, pedestrian accommodations for sidewalk closures, and a construction worker parking plan.
2. Obtain DPD approval of a Construction Noise Mitigation Plan which limits the hours, days and nature generated noise as proscribed in the SEPA Decision under Construction Noise; to include a limitation of hours of most construction activities to 7:00 AM and 6:00 PM on non-holiday weekdays and of prescribed, quieter construction activities to the hours of 6:00 PM and 8:00 PM on non-holiday weekdays, and on Saturdays during the hours of 9:00 AM and 6:00 PM.

During Construction (including demolition)

3. Conditions to be enforced during construction (including during grading, demolition, and construction and enforcement of the construction noise mitigation plan and the construction traffic management plan) shall be posted at the site in a location on the property line that is visible and accessible to the public and to construction personnel from the street right-of-way. The conditions will be affixed to placards prepared by DPD. The placards will be issued along with the building permit set of plans. The placards shall be laminated with weatherproofing materials and shall remain in place throughout the duration of construction.
4. Follow the terms of a DPD approved Construction Noise Mitigation Plan.
5. Follow the terms of a DPD and SDOT approved Construction Traffic Mitigation Plan.
6. Trucks hauling materials to and from the project site shall not idle while queuing in the surrounding neighborhood.

CONDITIONS – DESIGN REVIEW

Prior to Issuance of a Master Use Permit

7. The building constructed shall substantially conform to the plans presented to the Board at the recommendation meeting, except for those DPD approved changes necessary to conform to the Board's recommendations and discussion stated at that meeting.

8. Any proposed changes to the exterior of the building must be submitted to DPD for review and approval by the Land Use Planner assigned to the project. Any proposed changes to the improvements in the public right-of-way are subject to SDOT's Street Improvement Permit (SIP) process and must be submitted for DPD and SDOT for review and for final approval by SDOT through the SIP process.
9. Prior to issuance of a MUP, the DPD planner assigned to this project, or the Design Review Manager, must verify substantial compliance of the final MUP plans with all images and text presented to the Design Review Board (including but not limited to exterior materials, landscaping, and right-of-way improvements), and compliance with the Design Review Board's recommendations as stated at the recommendation meeting.

Prior to Issuance of all Construction Permits

10. Embed the MUP conditions in the cover sheet for the MUP permit and for all subsequent permits including updated MUP plans, and all building permit drawings.

Prior to Issuance of a Certificate of Occupancy

11. Compliance with all images and text on the MUP drawings, design review meeting guidelines and approved design features and elements (including exterior materials, landscaping, and right-of-way improvements) shall be verified by the DPD planner assigned to this project or by the DPD Design Review Manager.

Signature: _____ (signature on file) Date: April 23, 2012
Scott Kemp, Senior Land Use Planner
Department of Planning and Development

SK:bg

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